

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**T.J. and C.J., on behalf of their minor child B.J.**

**Plaintiffs,**

**v.**

**Case No. 12-565**

**Danny Pacheco, a City of Espanola Police  
Officer, and Sergeant Richard Gallegos, a  
City of Espanola Police Officer, and, Lieutenant  
Christian Lopez, a City of Espanola Police  
Officer, Defendant City of Espanola, municipality,**

**Defendants.**

**PETITION FOR REMOVAL OF CAUSE TO FEDERAL COURT**

COME NOW the Defendants in the above-styled action, through their attorneys Basham & Basham, P.C. (Katherine Basham, Esq.), and present and file this Petition for Removal of the above-entitled action from the First Judicial District of Santa Fe County, New Mexico to the United States District Court for the District of New Mexico and in support of this Petition state as follows:

1. This action was commenced by the filing of a Complaint on or about April 24, 2012. A true and correct copy of the Complaint and Summons is attached hereto.
2. The Complaint contains claims arising under the Constitution and laws of the United States.
3. Because this action was filed on April 24, 2012, and the Defendants were served after that date, this Petition is timely filed pursuant to 28 U.S.C. Section 1446(b).

4. This Court has jurisdiction over this action and the parties pursuant to 28 U.S.C. §1331 in that this is a civil action alleging claims arising under the Constitution and laws of the United States which may be removed to this Court pursuant to the provisions of 28 U.S.C. Section 1441(b).

5. Contemporaneously with the filing of this Petition, the Defendants have given written notice of the filing of this Petition to all adverse parties. Defendants have also filed a copy of the Petition with the Clerk of the First Judicial District Court of Santa Fe County as required by 28 U.S.C. Section 1446(d).

WHEREFORE, the premises considered, Defendants-Petitioners respectfully move the Court to grant this Petition and take jurisdiction over this action and parties.

Respectfully Submitted,

***Electronically Filed***  
***/S/ Katherine A. Basham***

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I hereby certify that a true and correct copy of the foregoing Petition was mailed to Shannon Kennedy, The Kennedy Law Firm, at 1000 Second Street, NW, Albuquerque, New Mexico, 87102, on this 24<sup>th</sup> day of May, 2012.

***Electronically Filed***  
***/S/ Katherine A. Basham***  
Katherine A. Basham